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10/021,855	12/13/2001	Michel Bisson	BEAS-01052US1	3936
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Fliesler Meyer LLP 650 California Street 14th Floor San Francisco, CA 94108			EXAMINER PHAM, HUNG Q	
			ART UNIT 2168	PAPER NUMBER
			NOTIFICATION DATE 07/09/2008	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

officeactions@fdml.com

### Office Action Summary

**Application No.**

10/021,855

**Applicant(s)**

BISSON ET AL.

**Examiner**

HUNG Q. PHAM

**Art Unit**

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**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 24-29, 63, 64 and 68-73 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 24-29, 63, 64 and 68-73 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/08)  
Paper No(s)/Mail Date 04/25/08
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/25/2008 has been entered.

### ***Response to Arguments***

#### **Specification**

As specified in the Office Action 01/25/2008, the specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: *first business logic component, second business logic component* (Claims 24, 63, 68 and 69).

The applicant argued that the claimed subject matters *first business logic component, second business logic component* are the enterprise java beans by providing the definition of enterprise bean from Sun Microsystems (Remarks, Page 6, Object to the Specification).

The examiner respectfully disagrees because the publication date of "Java EE 5 Tutorial" from Sun Microsystems as provided by the applicant is after the filing date of the current application and was not specified in the Specification of the current application that the "Java EE 5 Tutorial" was incorporated by reference. Therefore, the "Java EE 5 Tutorial" cannot be used as a reference for the definition of the claimed subject matters *first business logic component, second business logic component*.

In view of the foregoing reasons, the objection to the Specification is continued.

**Claim Rejections - 35 USC § 102**

- Applicant's arguments with respect to the rejection of claim 24 under 35 U.S.C. § 102 have been fully considered but they are not persuasive.

As argued by applicant on pages 7-8:

*Claim 24 has been amended to more clearly define the embodiment as a method for generating a unified user profile for providing to a user or application transparent access to a personalization database and an external user database, comprising wherein the extended first business logic component uses a property set, said property set adapted to give namespace qualifications to implicit and explicit properties of said data in said personalization database such that the property set can differentiate properties with a single name. Applicants respectfully submit that these features are not disclosed by the cited references.*

The examiner respectfully disagrees.

As disclosed by Underwood, if a user is a SITE SERVER USER, USERSS SITE SERVER USER component of FIG. 16.2 considered as being equivalent to *first business logic component* is created. As further illustrated in Fig. 16.2, if the user is not a SITE SERVER USER, USERDB DATABASE USER component as *second business logic component* is created, user preferences and user rule object as *unified user profile* is constructed (Col. 51 Line 66-Col. 52 Line 3), such that user role and user name as *implicit properties* and user preferences as *explicit properties* can be retrieved from and updated in ORACLE/SQL SERVER DBMS as *external user database* (Col. 50 Lines 40-55). The Underwood teaching indicates the scope of access is controlled by examining whether a user is a SITE SERVER USER, and if the user is a SITE SERVER USER, USERSS SITE SERVER USER component is created. Otherwise, USERDB DATABASE USER component is created to increase the scope of access. In different words, USERDB DATABASE USER component is created to extend USERSS SITE SERVER USER component.

The USERSS SITE SERVER USER as *the extended first business component* uses a property set as disclosed at Col. 52 Lines 35-53.

For many programming languages, a namespace is a context for identifiers. Therefore, the claimed limitation, *namespace qualifications*, is considered as being equivalent to a plurality of qualified identifiers contexts. The Underwood property set (Col. 52 Lines 35-53) includes a plurality of methods. Each method has a context for qualified identifiers. For example, the method SetPref has (String thePrefLabel, String the PrefValue), wherein (String thePrefLabel, String thePrefValue) are used to set the user preferences as *explicit properties* according to thePrefLabel and thePrefValue. The methods GetRealName and GetRoleID return string values representing the user's SiteServer and the current user id as *implicit properties*. In short, the property set as disclosed by Underwood adapted to give a plurality of qualified identifiers contexts or *namespace qualifications* for getting user role and user name as *implicit properties* and setting user preferences as *explicit properties*.

As shown in the property set of Col. 52 Lines 35-53 of Underwood, each method has its own single name, and no method has a same name with other methods. This feature indicates the claimed limitation *such that the property set can differentiate properties with a single name*.

As argued by applicants on Page 8:

*In the Office Action mailed January 25, 2008, Underwood was submitted as disclosing generating a unified user profile by creating a second business logic component to extend the first business logic component. In part, the Office Action stated that "the claimed limitation business logic component cannot be considered as being equivalent to a class in programming language as argued by applicant. Applicants respectfully disagree. As discussed in the Objections to the Specification section, the Specification discusses the use of enterprise java beans, which provides proper antecedent basis for first business logic component and second business logic component. The Specification further discloses that a base user enterprise java bean (first business logic component) is a Java class (see paragraph [0028]). Thus, it is respectfully submitted that the first business logic component is a Java class that can be extended by a second Java class.*

The examiner respectfully disagrees.

As discussed above with respect to the objection to the Specification, the examiner respectfully disagrees with the definition of Java Sun Microsystems because the publication date of "Java EE 5 Tutorial" from Sun Microsystems as provided by the applicant is after the filing date of the current application and was not specified in the Specification of the current application that the "Java EE 5 Tutorial" was incorporated by reference. Therefore, the "Java EE 5 Tutorial" cannot be used as a reference for the definition of the claimed subject matters *first business logic component, second business logic component*.

Additionally, the enterprise java beans as disclosed by Sun Microsystems are distributed objects. The *base user enterprise java bean* of the current application is a Java class. A Java class cannot be considered as being equivalent with a distributed object.

- Applicant's arguments with respect to claims 63 and 68 have been fully considered but they are not persuasive for at least the reasons as discussed above with respect to claim 24.

- Applicant's arguments with respect to claims 25-29, 64 and 69-73 have been fully considered but they are not persuasive for at least the reasons as discussed above with respect to claim 24.

In view of the foregoing reasons, the rejection of claims 24-29, 63, 64 and 68-73 under 35 U.S.C. § 102 is continued.

***Specification***

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: *first business logic component, second business logic component* (Claims 24, 63, 68 and 69).

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

**Claims 68-73 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.**

Claims 68-73 direct to a system comprising software per se. Software per se is not one of the four categories of invention. Software per se is not a series of steps or acts and thus is not a process. Software per se is not a physical article or object and as such is not a machine or manufacture. Software per se is not a combination of substances and therefore is not a composition of matter.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

**Claims 24, 63 and 68 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.**

Regarding claims 24, 63 and 68, the new claimed limitation *such that the property set can differentiate properties with a single name* was not described in the Specification.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 24-29, 63, 64 and 68-73 are rejected under 35 U.S.C. 102(e) as anticipated by Underwood [U.S. Patent No. 6,609,128 B1].**

Regarding claims 24, 63 and 68, Underwood teaches a method, program and system for *generating a unified user profile for providing to a user or application transparent access to a personalization database and an external user database* (FIG. 16.1). The Underwood technique comprises the step of:



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*obtaining a first business logic component adapted to work through a personalization server to access said personalization database* (As illustrated in FIG. 16.2 and Col. 52 Lines 25-29, to access *personalization database* contains user role, user name and user preferences, USERSS SITE SERVER USER component as *first business logic component* is obtained. USERSS is adapted to work through the SITE SERVER as *personalization server*),

*wherein said first business logic component provides a transparent interface to a user or application through which implicit and explicit properties can be retrieved from and updated in the personalization database* (USERSS provides IAFUser, IAFUserPreferences and IAFUerRole interfaces to a user, through which user role and user name as *implicit properties* and user preferences as *explicit properties* can be retrieved and updated (FIG. 16.2, Col. 50 Lines 40-55 and Col. 52 Lines 25-53),

*wherein the access is carried out independent of any knowledge of the user or application of naming convention of data in the personalization database* (The access is carried out by GetUserID, GetUserName and GetRolePref method, therefore, the user has no knowledge of naming convention of data in the personalization database in the SITE SERVER (Col. 52 Lines 35-53));

*generating a unified user profile by creating a second business logic component to extend the first business logic component such that said implicit and explicit properties can further be transparently retrieve from and updated in an external user database independent of any knowledge of the user or application of the naming convention of data in the external user database* (As in FIG. 16.2, if user is not a SITE SERVER USER, USERDB DATABASE USER component as *second business logic component* is created to extend USERSS, user preferences and user rule object as *unified user profile* is constructed (Col. 51 Line 66-Col. 52 Line 3), such that user role and user name as *implicit properties* and user preferences as *explicit properties* can be retrieved from and updated in ORACLE/SQL SERVER DBMS as *external user database* (Col. 50 Lines 40-55). The access is carried out by GetUserID, GetUserName and GetRolePref method, therefore, the user has no knowledge of naming convention of data in the personalization database in the ORACLE/SQL SERVER DBMS (Col. 52 Lines 10-24));

*wherein the first business logic component and the second business logic component allow the user or application to access data in the personalization database and the external user database (Col. 50 Lines 40-55) independent of any knowledge of the data's location (The access is carried out by GetUserID, GetUserName and GetRolePref method, therefore, the user has no knowledge of data location (Col. 52 Lines 10-24 and Lines 35-53));*

*wherein the extended first business logic component uses a property set, said property set adapted to give namespace qualifications to implicit and explicit properties of said data in said personalization database (Col. 52 Lines 35-53) such that the property set can differentiate properties with a single name (As shown in the property set of Col. 52 Lines 35-53 of Underwood, each method has its own single name, and no method has a same name with other methods. This feature indicates the claimed limitation such that the property set can differentiate properties with a single name); and further wherein said implicit and explicit properties comprise getter and setter properties (Col. 52 Lines 35-53); and*

*obtaining a security realm adapted to allow authentication of data in said personalization database and said external user database (Col. 51 Lines 4-19 and Col. 50 Lines 46-55).*

Regarding claims 25, 64 and 69, Underwood teaches all of the claimed subject matter as discussed above with respect to claims 24, 63 and 68, Underwood further discloses the step of *generating transparent read and write access to said external database (Col. 50 Lines 40-55).*

Regarding claims 26 and 70, Underwood teaches all of the claimed subject matter as discussed above with respect to claims 25 and 69, Underwood further discloses the step of *configuring a server to provide said read and write access (FIG. 16.2, SITE SERVER).*

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Regarding claims 27 and 71, Underwood teaches all of the claimed subject matter as discussed above with respect to claims 26 and 68, Underwood further discloses *server is a personalization server* (FIG. 16.2, SITE SERVER).

Regarding claims 28 and 72, Underwood teaches all of the claimed subject matter as discussed above with respect to claim claims 24 and 68, Underwood further discloses *external user database is selected from the group consisting of legacy databases, corporate databases, and customer databases* (FIG. 16.2, ORACLE/SQL SERVER DBMS is a *customer databases*).

Regarding claims 29 and 73, Underwood teaches all of the claimed subject matter as discussed above with respect to claims 24 and 68, Underwood further discloses *external user database contains data selected from the group consisting of authentication information, user lists, group lists, and group membership* (FIG. 16.2, ORACLE/SQL SERVER DBMS contain *user lists*, e.g., TABLE USER NAME).

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUNG Q. PHAM whose telephone number is 571-272-4040. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, TIM T. VO can be reached on 571-272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/HUNG Q PHAM/  
Primary Examiner  
Art Unit 2168

June 20, 2008